

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

ELIZABETH DIANE DOWNS,

Petitioner,

v.

OREGON BOARD OF PAROLE,

Respondent.

Case No. 3:22-cv-01993-MK

ORDER ADOPTING
FINDINGS AND
RECOMMENDATION

MCSHANE, District Judge.

Petitioner brought this federal habeas action pursuant to 28 U.S.C. § 2254 and challenged a 2020 decision of the Oregon Board of Parole and Post-Prison Supervision deferring Petitioner's parole consideration date. Magistrate Judge Kasubhai issued Findings and Recommendations and recommends that the Petition be denied. The matter is now before this Court. *See* 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72.

Plaintiff filed timely objections to the Findings and Recommendation. Accordingly, I have reviewed the file of this case *de novo*. *See* 28 U.S.C. § 636(b)(1)(c); *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). I find no error and conclude the recommendation is correct.

Accordingly, Magistrate Judge Kasubhai's Findings and Recommendation (ECF No. 15) is ADOPTED, and the Petition for Writ of Habeas Corpus (ECF No. 1) is DENIED. A Certificate of Appealability is DENIED on the basis that Petitioner has not made a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2).

Dated this 14th day of November, 2023.

s/ Michael J. McShane
MICHAEL J. MCSHANE
United States District Judge